

REMARKS

This Amendment is being filed in response to the Office Action mailed on August 2, 2011, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20, 22, 24-38, 40-59, 61 and 63-93 are pending in the application, where claims 21, 23, 39, 60 and 62 have been canceled without prejudice. Claims 1, 40, 79 and 86 are independent.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, the claims have been amended for non-statutory reasons, such as for better form. Such amendments to the claims were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the drawings for including some details that are not clear. In response, Replacement Drawings including clearer FIGs 1-7 have been resubmitted. Applicants will submit formal drawing later, such as upon approval of the Replacement Drawings, and an indication that the present application includes allowed or allowable claims. Applicants respectfully request approval of the Replacement

Drawing including FIGs 1-7 and withdrawal of the drawing objection.

In the Office Action, the Examiner objected to the claims for being misnumbered, as there are 2 claims numbered 39. In response, both claims 39 have been canceled, and the first claim 39 has been reintroduce as new claim 93.

In the Office Action, the Examiner objected to claim 87 for a certain informality. In response, claim 87 has been amended to remove the noted informality. Accordingly, it is respectfully submitted that the objection to claim 87 has been overcome and withdrawal of this objection is respectfully requested.

In the Office Action, claims 40-78 and 86-93 are rejected under 35 U.S.C. §101. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 40-78 and 86-93 have been amended to better conform to 35 U.S.C. §101. Accordingly, it is respectfully submitted that claims 40-78 and 86-93 are now in proper form and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-93 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,819,092 (Ferguson). Further, claim 5 is rejected under 35 U.S.C. §102(b) over Aebi in view of U.S. Patent No. 5,255,593 (Bunn). These rejections are respectfully traversed. It is respectfully submitted that the claims are patentable over Aebi and Bunn for at least the following reasons.

Ferguson is directed to an online service development tool with fee setting capabilities. On page 8 of the Office Action, in rejecting claims 21 and 23, column 37, lines

1-5 and column 37, lines 18-23 of Ferguson are cited. In particular, column 37, lines 1-5 of Ferguson specifically recite (emphasis added):

UserTotalAccessSize%(<user\_ num>)

Returns the **total size of the files** that have ever been accessed by the user whose user identifier is <user\_ num>. The User Total Access Size Function is useful for computing quantity discounts.

Further, column 36, lines 18-23 of Ferguson specifically recite (emphasis added):

ProviderFilePath\$(<provider\_ num>, <index>)

Returns the **path** of the file at index <index> in the list of files associated with the content provider whose provider identifier is <provider\_ num>. The allowable range of <index> is 1 through ProviderFileCount%(<provider-num>), inclusive.

It is respectfully submitted that Ferguson does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 40, 79 and 86 which, amongst other patentable elements, recites (illustrative emphasis provided):

creating a user-configurable report, the report reflecting data regarding user access of the media,  
wherein the creating act further comprises the acts of:  
indicating, for each video-enhanced page in a hypervideo application, information regarding previous video-enhanced pages users viewed before a current video-enhanced page and from which the users proceeded to the current video-enhanced page; and  
indicating information regarding next video-enhanced pages to which the users proceeded from the current video-enhanced page,  
wherein the information regarding the previous video-enhanced pages comprises **information regarding how viewing the current video-enhanced page was initiated, including one of user initiated and automatic activation**, and paths the users took from the previous video-enhanced pages to the current video-enhanced page.

Indicating, for each video-enhanced page, information regarding previous and next viewed pages including how viewing the current page was initiated, including one of user initiated and automatic activation, and paths the users took from the previous video-enhanced pages to the current video-enhanced page, is nowhere disclosed or suggested in Ferguson. Rather, Ferguson merely discloses or suggests providing the total size of user accessed files and the path of the files.

Accordingly, it is respectfully requested that independent claims 1, 40, 79 and 86 be allowed. In addition, it is respectfully submitted that the dependent claims should also be allowed at least based on their dependence from independent claims 1, 40, 79 and 86, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheets (7 sheets including FIGs 1-7)

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